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# TRANSMITTAL FORM

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Total Number Of Pages In This Submission

12

Application Number

10/722,724

Filing Date

November 25, 2003

First Inventor

Peter G. Borden

Confirmation No.

7346

Group Art Unit

2877

Examiner Name

Rosenberger

Attorney Docket No.

BOX004-1C US

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached -- Credit Card Payment Form (1 pg)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	(1) RETURN RECEIPT POSTCARD
<input checked="" type="checkbox"/> Information Disclosure Statement (2 pages)	<input type="checkbox"/> Request for Refund	(2) PTO Form 1449 (1 page); and
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	(3) Copy of Office Action (from Application No. 09/974,571) (8 pages)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application (2 pages)	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Please charge Deposit Account 50-2263 for any underpaid fee.	

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Omkar K. Suryadevara (Reg. No. 36,320) Silicon Valley Patent Group LLP 2350 Mission College Boulevard, Suite 360 Santa Clara, California 95054
Signature	<u>S. Omkar</u>
Date	July 6, 2004

EXPRESS MAIL LABEL NO. EV 448 867 325 US.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Peter G. Borden; Jiping Li  
Assignee: Applied Materials, Inc.  
Title: Measuring A Property Of A Layer In A Multilayered Structure  
Serial No.: 10/722,724 Filing Date: November 25, 2003  
Examiner: Rosenberger Group Art Unit: 2877  
Docket No.: BOX004-1C US Confirmation No: 7346

Santa Clara, California  
July 6, 2004

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(d)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, the Applicants submit for consideration in the above-identified patent application the documents listed on the accompanying Form PTO-1449. Copies of the documents are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(d) and (e)(2). Accordingly, a fee is not required.

Pursuant to 37 CFR § 1.97 (e)(2), the undersigned certifies that no item of information contained in the enclosed information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The references listed on the enclosed Form PTO-1449 were cited by the US PTO in Application No. 09/974,571. A copy of the Office Action in which these references were cited is also attached. This information from a related patent application is hereby submitted

SILICON VALLEY  
PATENT GROUP LLP  
2350 Mission College Blvd.  
Suite 360  
Santa Clara, CA 95054  
(408) 982-8200  
FAX (408) 982-8210

pursuant to the case DAYCO PRODUCTS, INC. v. TOTAL CONTAINMENT, INC., 02-1497, decided May 23, 2003 by the Court of Appeals for the Federal Circuit.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

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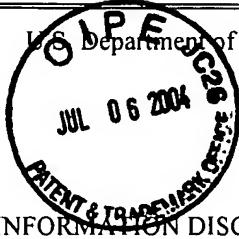
Respectfully submitted,



Omkar K. Suryadevara  
Attorney for Applicants  
Reg. No. 36,320

SILICON VALLEY  
PATENT GROUP LLP

2350 Mission College Blvd.  
Suite 360  
Santa Clara, CA 95054  
(408) 982-8200  
FAX (408) 982-8210



**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(Use several sheets if necessary)

Application No.:	10/722,724
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Group Art Unit:	2877
Examiner Name:	Rosenberger
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## U.S. Patent Documents

## Foreign Patent Documents

**Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)**


Examiner:	Date Considered:
* Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication with applicant.	